



City of Killeen

Legislation Details (With Text)

File #: RS-23-094 **Version:** 1 **Name:** Ratify Sheils Winnubst Agreement
Type: Resolution **Status:** Passed
File created: 4/24/2023 **In control:** City Council
On agenda: 6/27/2023 **Final action:** 6/27/2023
Title: Consider a memorandum/resolution ratifying an agreement with Sheils Winnubst for Legal Services.
Sponsors:
Indexes:
Code sections:
Attachments: 1. Agreement, 2. Presentation

Date	Ver.	Action By	Action	Result
6/27/2023	1	City Council	Approved as Amended	Pass
6/20/2023	1	City Council Workshop		

Consider a memorandum/resolution ratifying an agreement with Sheils Winnubst for Legal Services.

DATE: **June 20, 2023**
TO: **Kent Cagle, City Manager**
FROM: **Holli Clements, City Attorney**
SUBJECT: **Ratify Agreement with Sheils Winnubst for Legal Services**

BACKGROUND AND FINDINGS:

On February 8, 2023, the City engaged Sheils Winnubst, PC, to represent the City with regard to potential litigation regarding the marijuana enforcement ordinance. At the end of December 2022, Bell County authorized its attorneys to file suit against the City of Killeen related to the marijuana enforcement ordinance and on April 11, 2023, Bell County did file a lawsuit against the City seeking to invalidate the marijuana enforcement ordinance.

The marijuana enforcement ordinance was adopted pursuant to the City Charter initiative process where the citizens of Killeen placed Proposition A on the November 8, 2022 ballot. The initiative ordinance was then passed by majority vote of the citizens of Killeen. The ordinance limits certain enforcement action of low-level marijuana offenses.

Legal expenses related to the marijuana enforcement ordinance will exceed \$50,000. Accordingly, the City Council is being asked to ratify the City Manager’s signature on the engagement letter.

THE ALTERNATIVES CONSIDERED:

The Council's alternatives are:

1. Not ratify the City Manager's signature on the Sheils Winnubst agreement; or
2. To ratify the City Manager's signature on the Sheils Winnubst agreement for legal services.

Which alternative is recommended? Why?

It is recommended that the City Council ratify the agreement with Sheils Winnubst to continue to receive legal services related to the marijuana enforcement ordinance.

CONFORMITY TO CITY POLICY:

Ratification of this agreement is in compliance with state law and city policy. Expenses for legal services are professional services and exempt from competitive purchasing requirements.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

Expenditures for legal services for this contract will be determined by decisions made by the City with regard to the litigation.

Is this a one-time or recurring expenditure?

Recurring until resolution of litigation.

Is this expenditure budgeted?

Yes, \$50,000 is available in the General Fund Non-Departmental account 010-9501-491.47-11. Additional funds will be available upon approval of the budget amendment.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes, \$50,000 is available at this time. Additional funds will be available upon approval of the budget amendment.

RECOMMENDATION:

Staff recommends that the City Council ratify the agreement with Sheils Winnubst for legal services related to litigation regarding the marijuana enforcement ordinance.

DEPARTMENTAL CLEARANCES:

Finance
Purchasing
City Manager

ATTACHED SUPPORTING DOCUMENTS:

Agreement